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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,989	12/29/2000	Michael P. Levosky	LEV-001	7705

26918	7590	05/23/2005

WHITE & FUDALA
57 BEDFORD STREET
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LEXINGTON, MA 02420

EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/751,989	LEVOSKY, MICHAEL P.
	Examiner	Art Unit
	Ramy M. Osman	2157

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 January 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-29_ is/are pending in the application.

    4a) Of the above claim(s) _1,2,5 and 12-24_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _3,4,6-11 and 25-29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   This communication is responsive to the amendment filed on January 19, 2005. Claims
1-29 are pending.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claim 29 recites the limitation "the client control program" in line 7. There is insufficient
antecedent basis for this limitation in the claim.

4.   Claim 29 recites the limitation "the alias email server" in line 11. There is insufficient
antecedent basis for this limitation in the claim.

5.   Claim 29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing
to particularly point out and distinctly claim the subject matter which applicant regards as the
invention. In regards to step (a), it has not been established where the client control program
resides. Is it on the client-side or is it on the server-side.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   **Claims 24-26,28,3 and 6-11 rejected under 35 U.S.C. 103(a) as being unpatentable**

over Rochkind (US Patent No 6,161,129) in view of Gabber et al (Communications of the

ACM, Vol. 42 No. 2, February 1999)[herein referred to as Gabber (ACM '99)] in further

view of Gabber at al. (U.S. Patent No. 6,591,291) [herein referred to as Gabber '291].

8.   In reference to claim 29, Rochkind teaches in a computer data communications network,

a method for a user to control and organize email, the user having a physical email address, the

method comprising the steps of:

        (a) entering of the physical email address, corresponding identification information, and

filter commands into the client control program by the user; (b) transmitting the physical email

address, the filter commands, and the corresponding identification information, to the alias email

server. (column 5 lines 15-40 & 55-61, Rochkind inherently teaches a user interface that allows a

user (i.e. subscriber) to enter information that will be used to generate an alias address by a

messaging system)

        Rochkind fails to explicitly teach the client control program of steps (a) and (b), for

inputting the information. However, Gabber (ACM '99) teaches a client control program (i.e.

user browser) to enter information to be sent to an alias server (i.e. LPWA system server) so that

the server can then generate an alias email address to be used by the user to avoid spam (pg 42

col.2, pg 43 col.2 and pg 44 col.1).

It would have been obvious for one of ordinary skill in the art to modify Rochkind by

making a client control program for entering of information to be sent to an alias server as per

the teachings of Gabber (ACM '99) so that the server can then generate an alias email address to

be used by the user to avoid spam.

(c) storing the physical email address, the commands, and the corresponding

identification information, the alias email server (column 5 lines 15-20 & 55-61 and column 7

lines 25-40);

(d) automatically generating a first alias email address by the alias email server,

comprising the physical address and not comprising a recipient address, and storing

said first alias email address in the alias email server (column 5 lines 5-30);

(e) transmitting the first alias email address by the alias email server the client control

program (column 5 lines 25-30);

(f) transmitting a message comprising the first alias email address as a sender address to a

recipient. (column 5 lines 25-30, Rochkind teaches the user giving the alias email to a potential

sender who would then send a message to the user.) Rochkind fails to explicitly teach where a

message is transmitted with the alias to a recipient. However, Gabber '291 teaches preventing

spam by generating alias source addresses to be used by a user to transmit messages via a

remailer to a recipient. The user then filters incoming mail based on the alias source address that

the user wishes to stop receiving mail from (Abstract, column 6 lines 40-60 and column 7 line 62

– column 8 line 20).

It would have been obvious for one of ordinary skill in the art to modify Rochkind by

transmitting a message with the alias to a recipient as per the teachings of Gabber '291 so that

the user can then filter incoming mail based on the alias source address that the user wishes to

stop receiving mail from.

(g) receiving by the alias email server of a reply message addressed to the first alias email

address (Rochkind teaches receiving messages by the messaging system that are addressed to the

alias address (see column 5 lines 10-30). Rochkind also teaches receiving reply messages, but the

reply messages are addressed to message identifiers instead of an alias address (see column 4

lines 50-65)). Rochkind fails to explicitly teach where the messages are reply messages.

However, Gabber '291 teaches where the message is a reply message, in order to prevent spam

that might be reply messages (column 8 lines 1-15).

It would have been obvious for one of ordinary skill in the art to modify Rochkind by the

server receiving a reply message addressed to the alias address as per the teachings of Gabber

'291 so that the user can then prevent spam that might be reply messages.

(h) if the stored filter commands do not cause alias email server to block the reply

message, then forwarding by the alias email server of the reply message, together with the

identification information, the users physical address (column 5 lines 10-65),

so that the recipient unaware of the user's physical email address, and the user is apprised

of the first alias email address and the corresponding identification information of said reply

message (column 1 lines 35-67, column 2 lines 55-65 and column 5 lines 7-30).

9.   In reference to claim 25, Rochkind teaches the method of claim 29, further comprising

transmitting by the user a message to two or more recipients using the same alias first email

address and the same identification information (column 5 lines 20-50, Rochkind teaches providing more than one potential sender with the alias address).

10.   In reference to claim 26, Rochkind teaches the method of claim 25 above. Rochkind fails to explicitly teach wherein the filter commands further comprise: (a) rejecting all messages addressed to the first alias email address at the alias email server; (b) suspending receipt of all messages addressed to the first alias email address by the alias email server; and (c) restoring receipt of all messages addressed to the first alias email address at the alias email server.

However, Gabber '291 teaches filtering incoming reply mail based on alias email address, and if the filtering does not block the reply message then allowing receipt of the message. This allows filtering of unwanted mail. (column 3 lines 20-51, column 8 lines 5-20 & 35-67 and column 9 lines 15-25)

It would have been obvious for one of ordinary skill in the art to modify Rochkind by teaches filtering incoming reply mail based on alias email address, and if the filtering does not block the reply message then allowing receipt of the message as per the teachings of Gabber '291 so as to allow filtering of unwanted mail.

11.   In reference to claim 3, Rochkind teaches the method of claim 25, further comprising, after receiving a message from a recipient addressed to the first alias email address:
(a) selecting by the user of the Reply function of the Email client program; (b) inputting of a reply message by the user; (c) transmitting of the users reply, message to the Alias Email server: (d) stripping the user's reply message of all information which could identify the user's physical email address by the Alias email server; and (e) forwarding the stripped reply message to the recipient (Rochkind, column 5 line 20 – column 6 line 26).

12.   In reference to claim 6, Rochkind teaches claim 4 above, including wherein the generating of the alias Email address further comprises substantially random character generating (Gabber '291, column 5 line 50 – column 7 line 20).

13.   In reference to claim 7, Rochkind teaches claim 6 above, including entering one or more additional physical Email addresses into the client control program, and receiving an additional alias Email address corresponding to each additional physical Email address (Gabber '291, Summary and column 5 lines 30-67).

14.   In reference to claim 8, Rochkind teaches claim 7 above, including entering a request by the client control program for one or more additional alias addresses corresponding to each physical address, and receiving by the client control program an additional alias Email address corresponding to each such request (Gabber '291, Summary and column 5 lines 30-67).

15.   In reference to claim 9, Rochkind teaches claim 8 above, including entering a request by the client control program to suspend forwarding by the alias Email server to the Email client program of all Email addressed to a particular alias Email address (Gabber '291, column 7 lines 35-67 and column 8 lines 5-20 & 35-67).

16.   In reference to claim 10, Rochkind teaches claim 9 above, including teaches entering a request by the client control program to permanently discontinue receipt by the Email client program of all Email addressed to a particular alias Email address (Gabber '291, column 7 lines 35-67 and column 8 lines 5-20 & 35-67).

17.   In reference to claim 11, Rochkind teaches claim 10 above, including generating by the client control program of an alias Email address containing a user name, and filtering the Email

at the Alias Email Server (Gabber '291, column 5 lines 30-67, column 7 lines 35-67 and column 8 lines 5-20 & 35-67).

18.   **Claims 4,27 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Rochkind (US Patent No 6,161,129) in view of Gabber et al (Communications of the ACM, Vol. 42 No. 2, February 1999) in further view of Gabber at al. (U.S. Patent No. 6,591,291) in further view of Lee et al. (U.S. Patent No. 6,212,553).**

19.   In reference to claims 4 and 27, Rochkind teaches the method of claims 3 and 26 respectively, including:

(a) entering one or more additional alias email addresses and identification information associated with each such additional alias email address by the user (Gabber (ACM '99), pg 42 col.2 and pg 43 col.1).

Rochkind fails to explicitly teach

(b) generating a log by the client control program, and displaying the log to the user, the log comprising, for each alas email address: (i) the date of the generation of the alias email address; (ii) the alias email address; and (iii) the corresponding identification information.

However, Lee teaches a list of email transactions (figures 14 & 35) which comprises time and date, email address and identification information (column 15 lines 55-67 and column 23 line 35 – column 24 line 15). Lee also teaches where the list can be sorted according to a variety of ways (column 25 lines 1-25).

It would have been obvious for one of ordinary skill in the art to modify Gabber by

including an email list with the above mentioned characteristics as per the teachings of Lee so

that users can keep track of email messages.

20.   In reference to claim 28, Rochkind teaches the method of claim 27, whereby (a) the

email messages further comprise a subject and a body; and (b) the identification information

comprises a first identification message and a second identification message, and whereby the

method further comprises: (i) appending by the alias email server of the first identification

message to the subject; and (ii) appending by the alias email server of the second identification

message to the body. (Summary and column 4 line 25 – column 5 line 60).

Response to Amendment

21.   Examiner acknowledges the amendment filed on 1/19/2005. Applicant cancelled claims

12 and 24, amended claims 3 and 25-28, and added new claim 29.

22.   Examiner acknowledges amendment to the specification and figure 2 of the diagrams.

23.   The affidavit under 37 CFR 1.132 filed on 1/19/2005 is insufficient to overcome the

rejection of the claims based upon 103 (a) as set forth in the last Office action.

It states that the claimed subject matter solved a problem that was long standing in the

art. However, there is no evidence that if persons skilled in the art who were presumably

working on the problem knew of the teachings of the cited references, they would still be unable

to solve the problem. See MPEP § 716.04. Although PC Magazine is a respected publication in

the PC industry, it is not authoritative in establishing patentability of the instant application.

Applicant is directed to review the attached pertinent prior art to see how others of ordinary skill

in the art were working on the problem since 1996.

Response to Arguments

24.   Applicant's arguments of points (1) and (2) (pgs 12-23 of remarks) with respect to claims

1-29 have been considered but are moot in view of the new ground(s) of rejection.

25.   Applicants argument of point (3) (pg 14 of remarks), stating that Lee is non-analogous art

is not persuasive. It has been held that a prior art reference must either be in the field of

applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which

the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed

invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this

case, Lee et al. is concerned with managing emails on a client program (see Summary).

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008.

The examiner can normally be reached on M-F 9-5.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
May 11, 2005

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